

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2240**

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**Introduced by Assembly Member Grove**

February 21, 2014

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~~An act to amend Section 47607 of the Education Code, relating to charter schools. An act to amend Sections 35035, 44955, 44956, and 44957 of the Education Code, relating to elementary and secondary education.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2240, as amended, Grove. ~~Charter schools. Elementary and secondary education: school employees.~~

*Existing law requires the superintendent of each school district to assign employees employed in positions requiring certification qualifications to positions in which they are to serve, subject to the approval of the governing board of the school district. Existing law provides that the power of the superintendent of a school district to assign includes the power to transfer a teacher from one school to another school, as prescribed, when the superintendent concludes the transfer is in the best interest of the school district.*

*This bill would instead provide that the power of the superintendent of a school district to assign includes the power to transfer a teacher when the superintendent concludes the transfer is in the best interest of the pupils. The bill would declare that it is the intent of the Legislature that if the amendments to this provision conflict with a collective bargaining agreement entered into between a public employer and an exclusive bargaining representative, the amendments shall not apply to the public employers or public employees subject to that agreement.*

*Under existing law, when school employees are terminated pursuant to a reduction in workforce, a school district is generally required to terminate the employees in order of seniority. Existing law further provides those employees with a preferred right to reappointment and an opportunity for substitute service in order of seniority. Existing law authorizes a school district to deviate from the order of seniority for those purposes for specified reasons, including to maintain or achieve compliance with constitutional requirements related to equal protection of the laws.*

*This bill would authorize a school district to deviate from the general requirement that terminations and reappointments occur in order of seniority in order to maintain or achieve compliance with constitutional requirements related to equal protection of the law as it applies to pupils.*

*The bill would also make nonsubstantive changes.*

~~The Charter Schools Act of 1992 specifies the procedures for the submission, review, and approval or denial of a petition to establish a standard or countywide charter school, and authorizes a charter to be granted for a period not to exceed 5 years. The act also authorizes the chartering authority of a charter school to grant one or more subsequent renewals for 5-year periods if the charter school meets specified requirements.~~

~~This bill would make nonsubstantive changes to those provisions, including, among others, updating cross-references.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 35035 of the Education Code is amended*
- 2     *to read:*
- 3     35035. The superintendent of each school district shall, in
- 4     addition to other powers and duties granted to or imposed upon
- 5     him or her:
- 6     (a) Be the chief executive officer of the governing board of the
- 7     school district.
- 8     (b) Except in a school district where the governing board *of the*
- 9     *school district* has appointed or designated an employee other than
- 10    the superintendent, or a deputy, or assistant superintendent, to
- 11    prepare and submit a budget, prepare and submit to the governing

1 board of the school district, at the time it may direct, the budget  
2 of the school district for the next ensuing school year, and revise  
3 and take other action in connection with the budget as the  
4 governing board of the school district may desire.

5 (c) Be responsible for the preparation and submission to the  
6 governing board of the school district, at the time the governing  
7 board may direct, the local control and accountability plan of the  
8 school district for the subsequent school year, and revise and take  
9 other action in connection with the local control and accountability  
10 plan as the governing board of the school district may desire.

11 (d) Except in a school district where the governing board *of the*  
12 *school district* has appointed or designated an employee other than  
13 the superintendent, or a deputy, or assistant superintendent, ensure  
14 that the local control and accountability plan is implemented.

15 (e) Subject to the approval of the governing board of the school  
16 district, assign all employees of ~~school~~ the *school* district employed  
17 in positions requiring certification ~~qualifications~~, *qualifications* to  
18 the positions in which they are to serve. This power to assign  
19 includes the power to transfer a teacher from one school to another  
20 school at which the teacher is certificated to serve within the school  
21 district when the superintendent concludes that the transfer is in  
22 the best interest of ~~the school district~~ *pupils*.

23 (f) Upon adoption, by the *governing board of the* school district  
24 ~~board~~, of a school district policy concerning transfers of teachers  
25 from one school to another school within the school district, have  
26 authority to transfer teachers consistent with that policy.

27 (g) Determine that each employee of the school district in a  
28 position requiring certification qualifications has a valid certificated  
29 document registered as required by law authorizing him or her to  
30 serve in the position to which he or she is assigned.

31 (h) Enter into contracts for and on behalf of the school district  
32 pursuant to Section 17604.

33 (i) Submit financial and budgetary reports to the governing  
34 board of the school district as required by Section 42130.

35 *SEC. 2. Section 44955 of the Education Code is amended to*  
36 *read:*

37 44955. (a) ~~No~~ A permanent employee shall *not* be deprived  
38 of his or her position for causes other than those specified in  
39 Sections 44907 and 44923, and Sections 44932 to 44947, inclusive,  
40 and ~~no~~ a probationary employee shall *not* be deprived of his or

her position for cause other than as specified in Sections 44948 to 44949, inclusive.

(b) ~~Whenever (1) If in any a school year the average daily attendance in all of the schools of a school district for the first six months in which that school is in session shall have declined below the corresponding period of either of the previous two school years, whenever if the governing board of a school district determines that attendance in a school district will decline in the following year as a result of the termination of an interdistrict tuition agreement as defined described in Section 46304, whenever if a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, or whenever if the amendment of state law requires the modification of curriculum, and when in if the opinion of the governing board of the school district determines it shall have become necessary by reason of any of these conditions to decrease the number of permanent employees in the school district, the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the school district, permanent as well as probationary, at the close of the school year. Except as otherwise provided by statute, the services of no a permanent employee may not be terminated under the provisions of this section while any a probationary employee, or any other employee with less seniority, is retained to render a service which said that the permanent employee is certificated and competent to render.~~

~~In~~

(2) ~~In~~ computing a decline in average daily attendance for purposes of this ~~section~~ *subdivision* for a newly formed or reorganized school district, each school of the *school* district shall be deemed to have been a school of the newly formed or reorganized *school* district for both of the two previous school years.

~~As~~

(3) As between employees who first rendered paid service to the *school* district on the same date, the governing board *of the school district* shall determine the order of termination solely on the basis of needs of the *school* district and the ~~students thereof.~~ *pupils*. Upon the request of ~~any an~~ employee whose order of termination is so determined, the governing board *of the school district* shall furnish in writing no later than five days ~~prior to~~

1 *before* the commencement of the hearing held in accordance with  
2 Section 44949, a statement of the specific criteria used in  
3 determining the order of termination and the application of the  
4 criteria in ranking each employee relative to the other employees  
5 in the group. ~~This~~ *The* requirement that the governing board *of the*  
6 *school district* provide, on request, a written statement of reasons  
7 for determining the order of termination shall not be interpreted  
8 to give affected employees any legal right or interest that would  
9 not exist without ~~such a~~ *the* requirement.

10 (c) (1) Notice of ~~such the~~ termination of services shall be given  
11 before the 15th of May in the manner prescribed in 15 pursuant  
12 to Section 44949, and services of ~~such those~~ employees shall be  
13 terminated in the inverse of the order in which they were employed,  
14 as determined by the governing board *of the school district* in  
15 accordance with the provisions of Sections 44844 and 44845. ~~In~~  
16 ~~the event that~~ *If* a permanent or probationary employee is not given  
17 the notices and a right to a hearing as provided for in Section  
18 44949, he or she shall be deemed reemployed for the ensuing  
19 school year.

20 ~~The~~  
21 (2) *The* governing board *of the school district* shall make  
22 assignments and reassignments in ~~such~~ a manner that employees  
23 shall be retained to render any service ~~which that~~ their seniority  
24 and qualifications entitle them to render. However, ~~prior to before~~  
25 assigning or reassigning ~~any a~~ certificated employee to teach a  
26 subject ~~which that~~ he or she has not previously taught, and for  
27 which he or she does not have a teaching credential or ~~which that~~  
28 is not within the employee's major area of postsecondary study or  
29 the equivalent thereof, the governing board *of the school district*  
30 shall require the employee to pass a subject matter competency  
31 test in the appropriate subject.

32 (d) Notwithstanding subdivision (b), a school district may  
33 deviate from terminating a certificated employee in order of  
34 seniority for either of the following reasons:

35 (1) *The school* district demonstrates a specific need for personnel  
36 to teach a specific course or course of study, or to provide services  
37 authorized by a services credential with a specialization in either  
38 pupil personnel services or health for a school nurse, and that the  
39 certificated employee has special training and experience necessary

1 to teach that course or course of study or to provide those services;  
2 ~~which services that~~ others with more seniority do not possess.

3 (2) For purposes of maintaining or achieving compliance with  
4 constitutional requirements related to equal protection of the laws.  
5 ~~law as it applies to pupils.~~

6 SEC. 3. Section 44956 of the Education Code is amended to  
7 read:

8 44956. (a) ~~Any~~ A permanent employee whose services have  
9 been terminated as provided in Section 44955 shall have the  
10 following rights:

11 (1)  
12 (a) For the period of 39 months from the date of ~~such~~  
13 termination, ~~any~~ an employee who in the meantime has not attained  
14 the age of 65 years shall have the preferred right to reappointment,  
15 in the order of original employment as determined by the governing  
16 board of the school district in accordance with the provisions of  
17 Sections 44831 to 44855, inclusive, if the number of employees  
18 is increased or the discontinued service is reestablished, with no  
19 requirements that were not imposed upon other employees who  
20 continued in service; provided, that ~~no~~ a probationary or other  
21 employee with less seniority shall *not* be employed to render a  
22 service ~~which said that the~~ employee is certificated and competent  
23 to render. However, ~~prior to~~ before reappointing ~~any~~ an employee  
24 to teach a subject ~~which that~~ he or she has not previously taught,  
25 and for which he or she does not have a teaching credential or  
26 ~~which that~~ is not within the employee's major area of  
27 postsecondary study or the equivalent thereof, the governing board  
28 of the school district shall require the employee to pass a subject  
29 matter competency test in the appropriate subject.

30 (2)  
31 (b) The ~~aforesaid~~ right to reappointment described in subdivision  
32 (a) may be waived by the employee, without prejudice, for not  
33 more than one school year, unless the governing board of the school  
34 district extends this right, but ~~such that~~ waiver shall not deprive  
35 the employee of his or her right to subsequent offers of  
36 reappointment.

37 (3)  
38 (c) Notwithstanding ~~paragraph (1),~~ subdivision (a), a school  
39 district may deviate from reappointing a certificated employee in  
40 order of seniority for either of the following reasons:

1     ~~(A)~~

2     ~~(1)~~ The *school* district demonstrates a specific need for personnel  
3 to teach a specific course or course of study, or to provide services  
4 authorized by a services credential with a specialization in either  
5 pupil personnel services or health for a school nurse, and that the  
6 employee has special training and experience necessary to teach  
7 that course or course of study, or to provide those services, which  
8 *services, that* others with more seniority do not possess.

9     ~~(B)~~

10    ~~(2)~~ For purposes of maintaining or achieving compliance with  
11 constitutional requirements related to equal protection of the laws.  
12 *law as it applies to pupils.*

13    ~~(4) As to any such~~

14    ~~(d)~~ For an employee who is reappointed, the period of his *or*  
15 *her* absence shall be treated as a leave of absence and shall not be  
16 considered as a break in the continuity of his *or her* service, he *or*  
17 *she* shall retain the classification and order of employment he *or*  
18 *she* had ~~when~~ at the time his *or her* services were terminated, and  
19 credit for prior service under ~~any~~ a state or *school* district  
20 retirement system shall not be affected by ~~such~~ the termination,  
21 but the period of his *or her* absence shall not ~~count~~ be counted as  
22 a part of the service required for retirement.

23    ~~(5)~~

24    ~~(e)~~ During the period of ~~his~~ an employee's preferred right to  
25 reappointment, ~~any such~~ the employee shall, in the order of original  
26 employment, be offered prior opportunity for substitute service  
27 during the absence of any other employee who has been granted  
28 a leave of absence or who is temporarily absent from duty;  
29 provided, that his *or her* services may be terminated upon the  
30 return to duty of ~~said~~ the other employee and ~~that said~~ the substitute  
31 service shall not affect the retention of his *or her* previous  
32 classification and rights. If, in ~~any~~ a school year the employee  
33 serves as a substitute in ~~any~~ a position requiring certification for  
34 ~~any~~ 21 days or more within a period of 60 schooldays, the  
35 compensation the employee receives for substitute service in that  
36 60-day period, including his *or her* first 20 days of substitute  
37 service, shall be not less than the amount the employee would  
38 receive if he or she were being reappointed.

39    ~~(6)~~

1 (f) (1) During the period of the employee's preferred right to  
2 reappointment, the governing board of the *school* district, if it is  
3 also the governing board of one or more other *school* districts,  
4 may assign ~~him the employee~~ to service, ~~which that he or she~~ is  
5 certificated and competent to render, in ~~said the~~ other district or  
6 districts; provided, that the compensation ~~he the employee~~ receives  
7 ~~therefor may~~ may, in the discretion of the governing board of the  
8 *school* district, be the same as ~~he the employee~~ would have received  
9 had he *or she* been serving in the *school* district from which ~~his~~  
10 ~~the employee's~~ services were terminated, ~~that his terminated. The~~  
11 ~~employee's~~ service in the ~~said other school~~ district or districts shall  
12 be counted toward the period required for both state and local  
13 retirement, ~~retirement as defined by Section 22102, as though~~  
14 rendered in the *school* district from which ~~his the employee's~~  
15 services were terminated, ~~and that no terminated. The employee~~  
16 ~~shall not displace any permanent employee in said the other school~~  
17 ~~district or districts shall be displaced by him. school districts.~~

18 It

19 (2) It is the intent of this ~~subsection~~ *subdivision* that the  
20 employees of a school district, the governing board of which is  
21 also the governing board of one or more other school districts,  
22 shall not be at a disadvantage as compared with employees of a  
23 unified school district.

24 ~~(7) At any time prior to~~

25 (g) Before the completion of one year after his *or her* return to  
26 service, ~~he an employee~~ may continue or make up, with interest,  
27 his *or her* own contributions to ~~any a~~ state or *school* district  
28 retirement system, for the period of his *or her* absence, but it shall  
29 not be obligatory on the state or *school* district to match ~~such those~~  
30 contributions.

31 ~~(8) Should he become~~

32 (h) If the employee becomes disabled or ~~reach~~ reaches retirement  
33 age ~~at any time~~ before his *or her* return to service, ~~he the employee~~  
34 shall receive, in any state or *school* district retirement system of  
35 which ~~he the employee~~ was a member, all benefits to which he *or*  
36 *she* would have been entitled had such event occurred at the time  
37 of his *or her* termination of service, plus any benefits he *or she*  
38 may have qualified for thereafter, as though still employed.

39 SEC. 4. Section 44957 of the Education Code is amended to  
40 read:



1 44957. ~~Any~~A probationary employee whose services have  
2 been terminated as provided in Section 44955 shall have the  
3 following rights:

4 (a) For the period of 24 months from the date of ~~such~~  
5 termination, ~~any an~~ employee who in the meantime has not attained  
6 the age of 65 years shall have the preferred right to reappointment,  
7 subject to the prior rights to reappointment by all permanent  
8 employees as set forth in Section 44956, in the order of original  
9 employment as determined by the governing board *of the school*  
10 *district* in accordance with ~~the provisions of~~ Sections 44831 to  
11 44855, inclusive, if the number of employees is increased or the  
12 discontinued service is reestablished, with no requirements that  
13 were not imposed upon other employees who continued in service.  
14 Except as otherwise provided, ~~no a~~ probationary or temporary  
15 employee with less seniority shall *not* be employed to render a  
16 service ~~which such that the~~ employee is certificated and competent  
17 to render and ~~provided that such an the~~ employee shall be given a  
18 priority over employees whose right to a position is derived  
19 pursuant to Section 44918. However, ~~prior to before~~ reappointing  
20 ~~any an~~ employee to teach a subject ~~which that~~ he or she has not  
21 previously taught, and for which he or she does not have a teaching  
22 credential or ~~which that~~ is not within the employee's major area  
23 of postsecondary study or the equivalent thereof, the governing  
24 board *of the school district* shall require the employee to pass a  
25 subject matter competency test in the appropriate subject.

26 (b) Notwithstanding subdivision (a), a school district may  
27 deviate from reappointing a probationary employee in order of  
28 seniority for either of the following reasons:

29 (1) The *school* district demonstrates a specific need for personnel  
30 to teach a specific course or course of study, or to provide services  
31 authorized by a services credential with a specialization in either  
32 pupil personnel services or health for a school nurse, and that the  
33 employee has special training and experience necessary to teach  
34 that course or course of study, or to provide those ~~services, which~~  
35 *services, that* others with more seniority do not possess.

36 (2) For purposes of maintaining or achieving compliance with  
37 constitutional requirements related to equal protection of the ~~laws.~~  
38 *law as it applies to pupils.*

39 (c) ~~As to any such~~ For an employee who is reappointed, the  
40 period of his *or her* absence shall be treated as a leave of absence

1 and shall not be considered as a break in the continuity of his *or*  
2 *her* service, he *or she* shall retain the classification and order of  
3 employment he *or she* had ~~when~~ *at the time* his *or her* services  
4 were terminated, and credit for prior service under ~~any~~ *a* state or  
5 *school* district retirement system shall not be affected by ~~such~~ *the*  
6 termination; provided, however, that the period of his *or her*  
7 absence shall not be counted as a part of the service required for  
8 attaining permanent status in the *school* district or, except as  
9 provided in subdivision (e), for retirement purposes.

10 (d) During the period of ~~his~~ *an employee's* preferred right to  
11 reappointment, ~~any such~~ *the* employee shall, in the order of original  
12 employment, and subject to the rights of permanent employees as  
13 set forth in Section 44956, be offered prior opportunity for  
14 substitute service during the absence of any other employee who  
15 has been granted leave of absence or who is temporarily absent  
16 from duty; provided, that his *or her* services may be terminated  
17 upon a return to duty of ~~such~~ *the* other employee, ~~that such~~ *the*  
18 substitute service shall not affect the retention of his *or her*  
19 previous classification and rights, and ~~that such an~~ *the* employee  
20 shall be given a priority over employees whose right to a substitute  
21 position is derived pursuant to Section 44918.

22 (e) ~~At any time prior to~~ *Before* the completion of one year after  
23 his *or her* return to service, an employee reappointed under the  
24 provisions of this section may elect to continue or to reinstate his  
25 *or her* membership and interest in ~~any~~ *a* state or district retirement  
26 system and to receive retirement benefits as if no absence from  
27 service had occurred. In the event of ~~such election~~ *that election*,  
28 the employee shall pay into the retirement system the amount of  
29 his *or her* share of contribution and the *school* district's share of  
30 contribution attributable to the period of absence and the amount  
31 of any contributions withdrawn, plus interest.

32 *SEC. 5. It is the intent of the Legislature that if the amendments*  
33 *made to Section 35035 by this act conflict with the terms of a*  
34 *collective bargaining agreement entered into between a public*  
35 *employer and an exclusive bargaining representative, pursuant to*  
36 *Chapter 10.7 (commencing with Section 3540) of Division 4 of*  
37 *Title 1 of the Government Code, the amendments shall not apply*  
38 *to the public employers or public employees subject to that*  
39 *collective bargaining agreement.*

1     *SEC. 6. The Legislature finds and declares that the amendments*  
2     *made to Sections 44955, 44956, and 44957 of the Education Code*  
3     *by this act are declaratory of existing law.*

4     SECTION 1. ~~Section 47607 of the Education Code is amended~~  
5     ~~to read:~~

6     ~~47607. (a) (1) A charter may be granted pursuant to Sections~~  
7     ~~47605, 47605.5, and 47606 for a period not to exceed five years.~~  
8     ~~A charter granted by the governing board of a school district, a~~  
9     ~~county board of education, or the state board may be granted one~~  
10    ~~or more subsequent renewals by that entity. Each renewal shall be~~  
11    ~~for a period of five years. A material revision of the provisions of~~  
12    ~~a charter petition may be made only with the approval of the~~  
13    ~~authority that granted the charter. The chartering authority may~~  
14    ~~inspect or observe any part of the charter school at any time.~~

15    ~~(2) Renewals and material revisions of charters are governed~~  
16    ~~by the standards and criteria in Section 47605, and shall include,~~  
17    ~~but not be limited to, a reasonably comprehensive description of~~  
18    ~~any new requirement of charter schools enacted into law after the~~  
19    ~~charter was originally granted or last renewed.~~

20    ~~(3) (A) The chartering authority shall consider increases in~~  
21    ~~pupil academic achievement for all groups of pupils served by the~~  
22    ~~charter school as the most important factor in determining whether~~  
23    ~~to grant a charter renewal.~~

24    ~~(B) For purposes of this section, "all groups of pupils served~~  
25    ~~by the charter school" means a numerically significant pupil~~  
26    ~~subgroup, as defined by paragraph (3) of subdivision (a) of Section~~  
27    ~~52052, served by the charter school.~~

28    ~~(b) Commencing on January 1, 2005, or after a charter school~~  
29    ~~has been in operation for four years, whichever date occurs later,~~  
30    ~~a charter school shall meet at least one of the following criteria~~  
31    ~~before receiving a charter renewal pursuant to paragraph (1) of~~  
32    ~~subdivision (a):~~

33    ~~(1) Attained its Academic Performance Index (API) growth~~  
34    ~~target in the prior year or in two of the last three years both~~  
35    ~~schoolwide and for all groups of pupils served by the charter~~  
36    ~~school.~~

37    ~~(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior~~  
38    ~~year or in two of the last three years.~~

~~(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.~~

~~(4) (A) The chartering authority determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.~~

~~(B) The determination made pursuant to this paragraph shall be based upon all of the following:~~

~~(i) Documented and clear and convincing data.~~

~~(ii) Pupil achievement data from assessments, including, but not limited to, the Measurement of Academic Performance and Progress program established by Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 for demographically similar pupil populations in the comparison schools.~~

~~(iii) Information submitted by the charter school.~~

~~(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for a determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.~~

~~(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.~~

~~(5) Qualified for an alternative accountability system pursuant to subdivision (g) of Section 52052.~~

~~(e) (1) A charter may be revoked by the authority that granted the charter under this chapter if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:~~

~~(A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.~~

~~(B) Failed to meet or pursue any of the pupil outcomes identified in the charter.~~

1     ~~(C) Failed to meet generally accepted accounting principles, or~~  
2     ~~engaged in fiscal mismanagement.~~

3     ~~(D) Violated any provision of law.~~

4     ~~(2) The chartering authority shall consider increases in pupil~~  
5     ~~academic achievement for all groups of pupils served by the charter~~  
6     ~~school as the most important factor in determining whether to~~  
7     ~~revoke a charter.~~

8     ~~(d) Before revocation, the chartering authority shall notify the~~  
9     ~~charter school of a violation of this section and give the school a~~  
10    ~~reasonable opportunity to remedy the violation, unless the~~  
11    ~~chartering authority determines, in writing, that the violation~~  
12    ~~constitutes a severe and imminent threat to the health or safety of~~  
13    ~~the pupils.~~

14    ~~(e) Before revoking a charter for failure to remedy a violation~~  
15    ~~pursuant to subdivision (d), and after expiration of the school's~~  
16    ~~reasonable opportunity to remedy without successfully remedying~~  
17    ~~the violation, the chartering authority shall provide a written notice~~  
18    ~~of intent to revoke the charter and notice of facts in support of~~  
19    ~~revocation to the charter school. No later than 30 days after~~  
20    ~~providing the notice of intent to revoke a charter, the chartering~~  
21    ~~authority shall hold a public hearing, in the normal course of~~  
22    ~~business, on the issue of whether evidence exists to revoke the~~  
23    ~~charter. No later than 30 days after the public hearing, the~~  
24    ~~chartering authority shall issue a final decision to revoke or decline~~  
25    ~~to revoke the charter, unless the chartering authority and the charter~~  
26    ~~school agree to extend the issuance of the decision by an additional~~  
27    ~~30 days. The chartering authority shall not revoke a charter unless~~  
28    ~~it makes written factual findings supported by substantial evidence,~~  
29    ~~specific to the charter school, that support its findings.~~

30    ~~(f) (1) If a school district is the chartering authority and it~~  
31    ~~revokes a charter pursuant to this section, the charter school may~~  
32    ~~appeal the revocation to the county board of education within 30~~  
33    ~~days following the final decision of the chartering authority.~~

34    ~~(2) The county board of education may reverse the revocation~~  
35    ~~decision if the county board of education determines that the~~  
36    ~~findings made by the chartering authority under subdivision (e)~~  
37    ~~are not supported by substantial evidence. The school district may~~  
38    ~~appeal the reversal to the state board.~~

39    ~~(3) If the county board of education does not issue a decision~~  
40    ~~on the appeal within 90 days of receipt, or the county board of~~

1 education upholds the revocation, the charter school may appeal  
2 the revocation to the state board.

3 (4) The state board may reverse the revocation decision if the  
4 state board determines that the findings made by the chartering  
5 authority under subdivision (e) are not supported by substantial  
6 evidence. The state board may uphold the revocation decision of  
7 the school district if the state board determines that the findings  
8 made by the chartering authority under subdivision (e) are  
9 supported by substantial evidence.

10 (g) (1) If a county office of education is the chartering authority  
11 and the county board of education revokes a charter pursuant to  
12 this section, the charter school may appeal the revocation to the  
13 state board within 30 days following the decision of the chartering  
14 authority.

15 (2) The state board may reverse the revocation decision if the  
16 state board determines that the findings made by the chartering  
17 authority under subdivision (e) are not supported by substantial  
18 evidence.

19 (h) If the revocation decision of the chartering authority is  
20 reversed on appeal, the entity that granted the charter shall continue  
21 to be regarded as the chartering authority.

22 (i) During the pendency of an appeal filed under this section, a  
23 charter school, whose revocation proceedings are based on  
24 subparagraph (A) or (B) of paragraph (1) of subdivision (e), shall  
25 continue to qualify as a charter school for funding and for all other  
26 purposes of this part, and may continue to hold all existing grants,  
27 resources, and facilities, in order to ensure that the education of  
28 pupils enrolled in the school is not disrupted.

29 (j) Immediately following the decision of a county board of  
30 education to reverse a decision of a school district to revoke a  
31 charter, the following shall apply:

32 (1) The charter school shall qualify as a charter school for  
33 funding and for all other purposes of this part.

34 (2) The charter school may continue to hold all existing grants,  
35 resources, and facilities.

36 (3) Any funding, grants, resources, and facilities that had been  
37 withheld from the charter school, or that the charter school had  
38 otherwise been deprived of use, as a result of the revocation of the  
39 charter shall be immediately reinstated or returned.

- 1     ~~(k) A final decision of a revocation or appeal of a revocation~~
- 2     ~~pursuant to subdivision (c) shall be reported to the chartering~~
- 3     ~~authority, the county board of education, and the department.~~

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